IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:07cv329

BROCK & ASSOCIATES, INC.; JAMES DRAKE; and JANET PRAYTOR,)))
Plaintiffs,)
Vs.) ORDER
MT. VERNON FIRE INSURANCE COMPANY; and SAFECO, INC.,)))
Defendants.)))

THIS MATTER is before the court on the court's own Motion for Case Status. On October 10, 2007, this court allowed defendant Mt. Vernon Fire Insurance Company's Motion for Extension of Time to File Answer or Other Responsive Pleadings, which allowed such defendant until November 19, 2007, to so respond. Despite the passage of nearly 90 days, no responsive pleading has been filed and plaintiffs have not moved for entry of a default.

Counsel are advised that cases are not allowed to lay dormant in federal court, and unless some action is taken to move this case forward, it is likely that the court will dismiss the action for lack of prosecution.

ORDER

IT IS, THEREFORE, ORDERED that court's own Motion for Case Status is ALLOWED, and the parties shall either take action to move this case forward or file an appropriate dismissal document not later than February 22. 2008. Failing

such, the undersigned will recommend to the district court that this action be dismissed for lack of prosecution.

Signed: February 13, 2008

Dennis L. Howell

United States Magistrate Judge